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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/611,950 | 07/03/2003 | Alexis Tzannes | 5550-31 | 5413 |

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| EXAMINER |
|---|
| ROSARIO, DENNIS |

| ART UNIT | PAPER NUMBER |
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| 2624 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | | Application No. | Applicant(s) |
|---|---|---|---|
| ***Advisory Action*** ***Before the Filing of an Appeal Brief*** | | 10/611,950 | TZANNES ET AL. |
| | | Examiner | Art Unit | |
| | | Dennis Rosario | 2624 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>10 January 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>5</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>see attach Response to After Final Amendment.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

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### Response to After Final Amendment

1. The after final amendment was received on 1/10/08. Claims 1-91 are pending.

### Response to Arguments

2. Applicant's arguments on page 1, 3$^{rd}$ and 4$^{th}$ paragraphs filed 1/10/08 have been fully considered but they are not persuasive and states:

**"The independent Claims recite that the one or more parameters are iteratively adapted and that they include at least one truncation parameter. Neither Lubin nor Mukherjee teach, suggest or disclose this feature."**

The examiner respectfully disagrees since Lubin discloses one or more parameters (as shown in fig. 4: ENCODER PARAMETERS) are iteratively adapted (as shown by the iterative structure or loop of fig. 2 that performs training so as to adapt to an unknown but anticipated input, FIG. 4, NUM. 405) and that they include at least one truncation parameter (by "Setting the input block size to be 8X8" in col. 5, lines 3,4, thus producing a truncated portion of an "entire JND map" in col. 5, line 1 since the ENCODER PARAMERTERS are derived from the 8X8 JND map.)

3.      Applicant's arguments on page 2, 3$^{rd}$ paragraph have been fully considered but they are not persuasive and states:


"**It is thus abundantly clear that Lubin's parameters are not used for compression as claimed.**"


The examiner respectfully disagrees since Lubin's parameters are encoder parameters which is the same as compression parameters known to one of ordinary skill in the art of compression or coding or encoding.

4.      Applicant's arguments on page 3, 1st paragraph have been fully considered but they are not persuasive and states:


**"However, Mukherjee appears to fail, teach, suggest or disclose iteratively adapting the one or more parameters used on the first image for compression of a next image since Mukherjee operates on a block-by-block basis."**


The examiner respectfully disagrees since Mukherjee discloses iteratively (via the loop structure in fig. 2) adapting (via a feedback signal in fig. 2 between S6 and S7) the one or more parameters (fig. 2:S4:BLOCK CONTENT) used on the first image (fig. 2:S6: SOURCE-IMAGE BLOCK) for compression of a next image (fig. 2:S2:CURRENT TARGET BLOCK: note that the claimed "first image" and "next image" are too broad since an image block is an image even though not the whole original image. Perhaps, if the claimed "first image" and "next image" are entire original images or individual frames in a sequence such as a first frame or next frame, the rejection of Mukherjee may be overcome since Mukherjee appears to use one image that is divided into multiple smaller images.)

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